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Attorneys for Defendant
PACIFIC CHOICE SEAFOOD, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

THOMAS CARLSON,

Plaintiff,

vs.

VENTURE WEST, INC., *in personam*, and
F/V VENTURE WEST, Official No. 606361,
its engines, tackle, apparel, furniture, etc., *in*
rem, and PACIFIC
CHOICE SEAFOOD, INC., *in personam*,

Defendants.

) CASE NO. 04-5309 PJH (MEJ)

) **STIPULATION OF DISMISSAL**
) **AND ORDER**

) **[Fed. R. Civ. P. Rule 41(a)(1)]**

Whereas the parties to this action have agreed to a settlement of all claims and all settlement funds have been paid to the Plaintiff,

IT IS HEREBY STIPULATED by and among Plaintiff THOMAS CARLSON Defendant VENTURE WEST, INC., and Defendant PACIFIC CHOICE SEAFOOD, INC., through their respective counsel of record that plaintiff's claims in this action can be dismissed with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, with each party to bear his or its own attorney's fees and costs.

Defendant VENTURE WEST, INC. and defendant PACIFIC CHOICE are in the process of formalizing settlement of VENTURE WEST's cross-claim against it. VENTURE WEST expects a signed release will be exchanged for funds in the next seven to ten days. In the interim, VENTURE WEST requests that its cross-claim remain pending on the Court's docket, but be taken off-calendar. VENTURE WEST will file a stipulation of dismissal specifically with regard to the cross-claim as soon as the settlement is consummated.

Respectfully submitted,

Dated: September 13, 2006

BANNING MICKLOW BULL & LOPEZ LLP

By: /s/ Kurt Micklow

KURT MICKLOW
Attorneys for Plaintiff
THOMAS CARLSON

Dated: September 13, 2006

GIBSON ROBB & LINDH, LLP

By: /s/ G. Geoffrey Robb

G. GEOFFREY ROBB
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VENTURE WEST, INC.

Dated: September 13, 2006

CLAPP, MORONEY, BELLAGAMBA and
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By: /s/ Jeffrey M. Vucinich

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9/15/06